

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;  
Mark Acton, Vice Chairman;  
Tony Hammond; and  
Nanci E. Langley

Competitive Product Prices  
Global Expedited Package Services (GEPS)—  
Non-Published Rates 10 (MC2016-97)  
Negotiated Service Agreements

Docket No. CP2016-122

ORDER GRANTING MOTION FOR TEMPORARY RELIEF

(Issued October 31, 2017)

The Global Expedited Package Services (GEPS)—Non-Published Rates 10 (GEPS—NPR 10) contract with serial number ending 0064 (Existing Agreement) is set to expire October 31, 2017.<sup>1</sup> On October 27, 2017, the Postal Service filed a motion for

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<sup>1</sup> See Customer Contract Filing Notice for Global Expedited Package Services – Non-Published Rates 10 Serial Numbers Ending: 0056 and 0059 to 0071, November 8, 2016, at 2 (establishing effective date of November 1, 2016, for GEPS-NPR 10 contract with serial number ending 0064); Request of the United States Postal Service to Add Global Expedited Package Services - Non-Published Rates 10 (GEPS - NPR 10) to the Competitive Products List and Notice of Filing GEPS - NPR 10 Model Contract and Application for Non-Public Treatment of Materials Filed Under Seal, March 15, 2016, Attachment 4 at 4 (establishing term of GEPS-NPR 10 contracts as one year for contracts with effective dates on the first of the month).

temporary relief seeking to extend the expiration date of the Existing Agreement.<sup>2</sup>

The Postal Service states that it is in the process of negotiating with the customer a possible successor to the Existing Agreement. Motion at 1. On October 23, 2017, the Postal Service sent a modification to the customer that would extend the Existing Agreement until November 30, 2017, but this modification has not yet been signed.<sup>3</sup> The Postal Service states that it will file that modification in this docket once the modification has been signed. *Id.* at 1. To maintain continuity of pricing, the Postal Service requests that the Commission continue to list the Existing Agreement in the Mail Classification Schedule through November 30, 2017. *Id.* at 2. The Postal Service acknowledges that its filing is untimely and states that its delay is due to not yet having received the signed modification back from the customer. *Id.* at 2 n.2.

The imminent filing of a modification suggests a good faith effort on the part of the Postal Service to avoid relying on motions for temporary relief as a standard practice, in keeping with Commission guidance.<sup>4</sup> However, the Postal Service sent the signed modification to the customer on the day it would have to submit the same modification, consistent with previous Commission guidance, for review.<sup>5</sup> The Commission reiterates that the dates on which contracts are scheduled to expire are known.<sup>6</sup> Failure to make timely filings jeopardizes the ability of the Commission to complete its review prior to contract expiration dates.

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<sup>2</sup> Motion of the United States Postal Service for Temporary Relief Concerning Global Expedited Package Services – Non-Published Rates 10 Customer Contract with Serial Number Ending: 0064, October 27, 2017 (Motion).

<sup>3</sup> *Id.* at 1-2 n.2. The Motion also states, contradictorily, that the modification was sent to the customer on October 27, 2017. See *id.* at 1.

<sup>4</sup> See Docket No. CP2012-38, Order No. 2685, Order Granting Second Motion for Temporary Relief, August 26, 2015, at 2 (urging the Postal Service to use contract extensions only in limited circumstances and not as a standard practice).

<sup>5</sup> See Docket No. CP2015-30, Order No. 2663, Order Concerning Modification to a Global Expedited Package Services 3 Negotiated Service Agreement, August 14, 2015, at 2-3.

<sup>6</sup> See, e.g., Docket No. CP2009-38, Order No. 1523, Order Granting Motion for Temporary Relief and Providing Guidance Regarding Future Motions for Temporary Relief, November 1, 2012, at 2.

This brief extension will not impair the ability of the Existing Agreement to comply with 39 U.S.C. § 3633, will avoid disruption in contract administration, and will not prejudice any person. Consequently, the Existing Agreement is modified to continue until November 30, 2017.

The Postal Service shall promptly file notice with the Commission if the Existing Agreement is terminated prior to the revised expiration date.

*It is ordered:*

1. The Motion of the United States Postal Service for Temporary Relief Concerning Global Expedited Package Services – Non-Published Rates 10 Customer Contract with Serial Number Ending: 0064, filed October 27, 2017, is granted.
2. The Commission approves an extension of the Existing Agreement until November 30, 2017.
3. The Mail Classification Schedule will continue to list the Existing Agreement according to the terms set forth in this Order.
4. The Postal Service shall promptly file notice of the termination of the Existing Agreement if such termination occurs prior to the revised expiration date.

By the Commission.

Stacy L. Ruble  
Secretary